

**WILLIAMSBURG CITY COUNCIL  
JANUARY 11, 2007  
MINUTES**

The Williamsburg City Council held its regular monthly meeting on Thursday, January 11, 2007 at 2:00 p.m., in the Council Chambers of the Stryker Building.

**ATTENDANCE**

Present were Ms. Zeidler and Messrs. Haulman, Chohany, Freiling and Braxton. Also present were Assistant City manager Miller, City Attorney Phillips, and City Clerk Crist. Mr. Tuttle was out of town.

Staff Attending: Department Heads Clayton, Nester, Hudson, Weiler.

**CALL TO ORDER**

Mayor Zeidler called the meeting to order.

**COUNCIL MINUTES**

*Mr. Freiling Moved That City Council Approve the Minutes of December 11, 14, 22, 2006. The Motion Was Seconded by Mr. Braxton.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None*

**MATTERS OF SPECIAL PRIVILEGE**

**Excellence in Service to Williamsburg Award presented to Jan Davidson, Senior Assessment Specialist**

Mayor Zeidler said it was an honor and privilege to present this award. Ms. Jan Davidson was chosen by her colleagues to be recognized for her exceptional service to the city. Unfortunately, Ms. Davidson could not be present. Mayor Zeidler read the recognition letter outlining Ms. Davidson's work and presented her award to John Mattson, City Assessor and Ms. Davidson's supervisor. Mr. Mattson said that Jan sent her thanks and appreciation to her Williamsburg family. She said she looks forward to coming to work every day.

**PUBLIC HEARINGS**

**2006 Comprehensive Plan Implementation measures for the Commercial Corridors**

- a. PCR #06-039: Amendment of the Zoning Ordinance by revising the text of the B-2 District, *Proposed Ordinances #07-02 and #07-03***
- b. PCR #06-040: Rezoning of approximately 75 acres on Parkway Drive, Penniman Road and Second Street from B-3 to B-2, *Proposed Ordinance #07-04***
- c. PCR #06-041: Rezoning of approximately 4.2 acres at 942 Capitol Landing Road from B-3 to B-2, *Proposed Ordinance #07-05***
- d. PCR #06-042: Rezoning of approximately 5.93 acres at 919 Capitol Landing Road from RS-2 to LB-4, *Proposed Ordinance #07-06***
- e. PCR #06-043: Rezoning of approximately 4.19 acres at 530, 531 and 541 Mill Neck Road from B-2 to LB-4, *Proposed Ordinance #07-07***

Reference for the five items was Mr. Nester's report dated January 11, 2007. Mr. Nester said the topic today was the zoning amendments to implement the recommendations of the 2006 Comprehensive Plan regarding commercial corridors. He provided background on development of the scheme for commercial corridors and commercial uses in the city.

Mr. Nester reviewed the specific recommendations for the Capitol Landing Road, Second Street and Penniman Road area, York Street, and Shopping Centers area, Richmond Road, Richmond Road west of Ironbound, and Jamestown Road/Route 199 Intersection. The recommendation for the proposed B-2 Corridor Commercial District included a revision to the use regulations to allow 67% of the floor area on an individual lot to be used for residential (multifamily) dwellings, with a special use permit. The density of 14 units per net acre would not change.

Mr. Nester said that special use permit uses require review by the Planning Commission and City Council. He noted that since the adoption of the current 1991 Zoning Ordinance, the city had 88 SUP applications; 59% were approved with additional conditions.

Mr. Nester gave a brief description of the recommended rezoning changes.

Mr. Nester said that there were concerns expressed about the potential for sale or commercial use of the triangle-shaped property in the area of Brandywyne and Capitol Landing Road. It would be very difficult to develop the property for any meaningful use. Perhaps a small building, but then there would not be room for parking. He reviewed the development of the zoning boundaries. If Council feels that the boundaries should be changed, it could be referred back to the Planning Commission to change the lines within the public right-of-way, but it would not change the zoning of any of the individual properties in the area.

Mr. Nester and Council discussed:

1. Multifamily use refers to condominiums only.
2. The special use permit process and staff involvement. Mr. Phillips clarified that with a special use permit, conditions may be imposed and that could include owner-occupancy. With a straight rezoning, the applicant would have to provide voluntary proffers.
3. The zoning boundaries in the area of Capitol landing Road and DMV, and the triangular piece of property in this area. Mr. Nester recommended that Council approve the rezoning and then could refer the triangular piece (most of which is in the public right-of-way) back to the Planning Commission for review.
4. Revision of the B-2 District zoning to allow multifamily dwellings at a density of 14 dwelling units per net acre with 67% of the floor area on a lot to be used for residential uses, with a special use permit. Mr. Nester said it was felt that this would be a good mixed use for commercial corridors, but that it was also important to use the special use permit process. Under the current 50% floor area rule, there have been no requests for mixed use development.
5. The setback requirements on Second Street/Penniman Road/Parkway Drive (B-3 area).

Other Matters of Special Privilege: Mayor Zeidler welcomed Jodi Miller who recently returned from maternity leave. She thanked her for covering this meeting for Mr. Tuttle.

The Mayor announced that John Catlett, Building Official, will be leaving employment with the city to work for the Commonwealth, and thanked him for his work and the recognition he had brought to the city.

Mayor Zeidler opened the public hearings on the five Comprehensive Plan Implementation measures for Commercial Corridors.

**Terence Wehle, 412 Harriet Tubman Drive**, recognized the members of Council for the hard work that they do. He referenced the recent citizen petition to Council regarding the request for Council to vote no to any increase in unit density. Mr. Wehle was opposed to the proposed density of 14 units per net acre with an increase from 50% to 67% of the floor area ratio to be used for condominium use in the commercial corridors. He believed that many multifamily units would be built in Williamsburg if the floor area ratio was increased. We will be "condominium Williamsburg." Citizens have been consistently opposed to increased density. He referenced that citizens opposed the recent rezonings in the area of the Blayton Building and South Henry Street. He was concerned about potential increased density and population in these areas. He referenced the 1998 Comprehensive Plan written with emphasis on controlling growth, and people still want that same control today. He referenced recent newspaper articles regarding the citizen opposition to increased density. Mr. Wehle referenced the acceptable density of several subdivisions in the city. If a property is zoned for 14 units per acre with a special use permit, a developer would find a way to make that density work. He asked Council to reverse their recent actions and go back to previous established density limits and percentages until you have the support of your constituents. Not to do so is political suicide. Please do this today.

**Rick Hines, 212 and 217 Second Street**, spoke regarding #06-040. Change is good. He provided examples of positive change in the use of certain properties. There are gives and takes in the B-3 to B-2 zoning changes. Many desired uses have been added, and many undesirable uses have been eliminated. The landscape and recreation area was increased from 15 to 20 percent and front yard requirements increased. Whether a mixed use will be 50% or 67%, the density is still limited to 14 units per net acre. This city should be proud of its planning staff. His family supported the Comprehensive Plan revisions.

**Cornelius Wood, Saint Simone Court, Port Anne**, spoke about increased density. He signed the Stop 22 petition and still does not understand all the density issues. There is still a push to increase the density around the city. He would like to know the position of individual Council members concerning density and if they are in agreement with the Stop 22 petition. Many times, a developer does not show the impact on the surrounding environment. He would like Council to re-evaluate its position on increased density and consider receiving feedback from citizens by holding special meetings. Council thought 22 units per acre was too much density, but there was no discussion with citizens. Infill housing destroys an area, and increases property taxes so that many people have to sell their house which causes more of the same cycle. When Council ends its public session and goes into private session, it stifles public comment and feedback when there is no opportunity for the public to respond at the meeting.

**Mr. Richard Burke, 209 Suri Drive**, spoke regarding #06-041. He thanked Mr. Nester for the clarification about the rezoning. Brandywyne residents are in favor of a "slim to none" chance of commercial development going to a "none to none" chance of commercial

development. He would like the area rezoned and the boundary lines redrawn at a later date.

**Andrea Chissic, Holly Hills Town homes**, was concerned about the source of tax dollars. She does not see businesses coming into the city; they are leaving. She does not think that people that live in town will visit the downtown area every day. We need to look and think about where are tax dollars are coming from.

**Alicia Diehl, 900 S. Henry Street**, said that citizens looked forward to Council and Mr. Nester making wise decisions to maintain our small city appearance. What will Council's legacy be? Small towns are unique, disappearing, and people like ours the way it is. Make sure you are listening to the people here. Council is here because they care about Williamsburg, the people, and the small town atmosphere.

No one else wished to speak. The public hearing was closed.

The Mayor noted that following Council's discussion, the vote will be taken on each rezoning case individually.

Mr. Nester explained the previous Blayton Building zoning and potential uses that would have been allowed before the recent zoning change (RDT District).

Mr. Haulman commented about perspective and reasonableness. What will the changes proposed in the Comprehensive Plan mean? Williamsburg is facing issues of redevelopment and infill development. In the downtown area, the infrastructure is already there, and at one time there were many more people living there. The recent rezonings will add only a few hundred additional residents. Along the business corridors, mixed use development (condominiums) will offer additional opportunity and do we need to offer additional incentives. If the floor area ratio stays at 50% or goes to 67%, it may mean an additional new hundred residents, not thousands. Development will occur; the question is how we will control it. He noted all the new developments along the south side of town—400-500 residential units added during the last 20 years. It has not destroyed the city, and it may be better off for them. If done right, new development can enhance the community, not destroy its character. Regarding reasonableness, are the changes proposed in the Comprehensive Plan reasonable to protect the character of the community, are safeguards in place, and are there clear objectives for the community that those proposing developments can use? Planning Commission and City Council members love this community, love the city, and want the best for it in the future. We have spent years exploring these questions and considering many options. Most of the Comprehensive Plan ensures that we can control the growth that will occur.

Mr. Chohany asked about the property in front of Brandywyne that is part of the right-of-way. Mr. Phillips addressed the history of the right-of-way before 1940. It was annexed into the city in 1964. It is extremely probable that the title of the property is still held by the Commonwealth of Virginia (and maybe the city). The property is held in the public domain. A right-of-way can be declared surplus and sold, but it is held at this time in the public domain. The zoning designation is really a moot point.

Mr. Chohany raised the issue of Freedom of Information, and clarified that only by exception does Council go into Closed Session.

Mr. Phillips explained that all public business and documents are open and available. With meetings, there are specific exceptions and the purpose of a Closed Session has to be stated and that is all that can be discussed in the session. No action can be taken in Closed Session. No minutes are kept. When Closed Session ends, the body must go into open session and pass a motion declaring they only discussed the stated subject(s) as noted. Mr. Chohany clarified that Council cannot meet with more than two Council members or it constitutes a meeting.

Mr. Chohany referenced a recent e-mail received from Kyra Cook supporting the implementation measures before Council. Hopefully these changes will incentivize revitalization in the city and maintain its charm. He approved of the LB-4 zoning in the Mill Neck Road area which would provide a transitional use from the business area.

Mr. Braxton concurred with Mr. Haulman and Mr. Chohany. He noted that the Sacalis Building contained six apartments, a little less than 67% floor area. Mr. Braxton liked the look of the building, and would be pleased with a building such as that on one of our corridors. He did not see much difference between 50% and 67% floor area ratio.

Mr. Freiling understood Mr. Wood's concern to be about Council's discussion after the public hearing is closed, not during Closed Session. The Mayor said more public sessions were something to think about, but Council have time to hear from staff and make its deliberations. Council provides time for comments at public hearings and open forums. Perhaps in the future, more town hall meetings early on in a process about a certain matter would be helpful.

Mr. Freiling addressed the change in floor area ratio. The density will not change. What it will affect is floor area ratio between commercial and residential, and would provide for a larger residential unit in a building. Under the existing ordinance, 50% of a building could be developed by right. We are looking at a special use permit to help implement one more tool for the city to help with redevelopment and an opportunity to enhance and freshen up areas that are not working as they are. This would provide the city more control which it does not have with a by-right. We need flexibility in helping businesses work. In the city, the residential tax base is far lower than in most communities, because the room and meal taxes that benefit all of us. Mr. Freiling said we all love the city. We have great cultural resources that draw people in from the outside. The potential increase in population is so small compared to our visitor base. Our downtown population is not overwhelming, and would not feel overwhelmed by a few more. The tourist presence is what drives the town. The benefit of this tool outweighs the liability. This may provide for revitalization in areas where it is needed. Mr. Freiling appreciated the suggestion from Mr. Nester about the triangle near the DMV.

Mayor Zeidler and Mr. Nester discussed:

1. The upcoming Comprehensive Plan implementation public hearings for rezonings in other areas of the city.
2. The recent rezoning for Center City South. Mr. Nester said that no condominiums have been approved by the city. He explained the types of residential development that were

possible; anything above 8 units per acre would require a special use permit. Council would review any proposal above 8 units per acre.

3. In the case of a special use permit, Mr. Nester explained the application process and the citizen notification process.

*Mr. Haulman Moved That City Council Adopt Proposed Ordinances #07-02, An Ordinance Amending Chapter 21, Zoning Article III, Division 9, Tourist Business District B-2, and Adopt Proposed Ordinance #07-03, An Ordinance Amending the code of the City of Williamsburg, Chapter 21, Zoning, to Update Article III, District Regulations, Division 1, Generally, Section 21-121 Districts Generally, to Update the Listing of Zoning Districts. The Motion Was Seconded by Mr. Chohany.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None (SEE ATTACHED ADOPTED ORDINANCE #07-02 & 03)*

*Mr. Chohany Moved That City Council Adopt Proposed Ordinance #07-04, An Ordinance to Rezone Approximately 75 Acres on Parkway Drive From the Colonial Parkway to Penniman Road, Penniman Road and Second Street From B-3 to B-2. The Motion Was Seconded by Mr. Haulman.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None (SEE ATTACHED ADOPTED ORDINANCE #07-04)*

*Mr. Haulman Moved That City Council Adopt Proposed Ordinance #07-05, An Ordinance to Rezone Approximately 4.2 Acres at 942 Capitol Landing Road from B-3 to B-2. The Motion Was Seconded by Mr. Freiling.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None (SEE ATTACHED ADOPTED ORDINANCE #07-05)*

*Mr. Haulman Moved That City Council Request the Planning Commission to Consider Changing the Zoning District Boundaries in the Public Rights-of-Way in the Vicinity of the Department of Motor Vehicles and Brandywyne Subdivision. The Motion Was Seconded by Mr. Braxton.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None*

Mr. Nester said the request will go to Planning Commission in February and back to City Council in March.

*Mr. Braxton Moved That City Council Adopt Proposed Ordinance #07-06 An Ordinance to Rezone Approximately 5.93 Acres at 919 Capitol landing Road From RS-2 to LB-4. The Motion Was Seconded by Mr. Freiling.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None* (SEE ATTACHED ADOPTED ORDINANCE #07-06)

*Mr. Chohany Moved That City Council Adopt Proposed Ordinance #07-07, An Ordinance to Rezone Approximately 4.19 Acres at 530, 531, and 541 Mill Neck Road from B-2 to LB-4. The Motion Was Seconded by Mr. Freiling.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None* (SEE ATTACHED ADOPTED ORDINANCE #07-07)

**PCR #06-045: Request of Patriot Ventures II, LLC to amend the B-3 District to allow the sale of boats and watercraft with a special use permit, *Proposed Ordinance #07-08 ; AND***

**PCR #06-046: Request of Dream Marine Sales and Company, Inc. for a special use permit for the sale of boats and watercraft at 217 Second Street.**

Reference for this item was Mr. Nester's report dated January 11, 2007. Ms. Murphy explained that this application to amend the B-3 General Business District would allow the sale, service, and storage of boats and watercraft at 217 Second Street with a special use permit. Patriot Ventures would use a portion of the existing truck lot for the boat/watercraft sales, and this use would be similar to the sale of automobiles and trucks allowed in the district. No changes are proposed to the site or the building, but the site has been cleaned up, painted, and enhanced with landscaping. The Planning Commission recommended that the requests be approved.

Mayor Zeidler opened the public hearing on the amendment to the Zoning Ordinance.

**Mr. Rick Hines, representing Patriot Ventures, 217 Second Street,** said that there used to be a flourishing boat sales and service business on Second Street. He asked for Council's approval of the amendment to the B-3 District to allow boat and watercraft sales with a special use permit.

**Ms. Dottie Hines, representing Dream Sales,** thanked Council for their consideration of this matter. Her hope was to encourage people to learn more about Second Street and draw people to that area. She hoped that this would encourage increased business for the area.

No one else wished to speak. The hearing was closed.

Mr. Chohany said that he remembered a boat dealership on Second Street in the past, and he was greatly encouraged by this proposal. He appreciated the Hines family and their involvement with this commercial venture.

Council members thought this would be good addition to Second Street and for the area. Mr. Freiling cautioned that there have been concerns about excessive speed on this corridor and he hoped that additional monitoring of traffic and speeds along the street would provide for safe ingress and egress of this property. Ms. Murphy added that there will be a light at the intersection when the timeshare property is developed, and that should

help with the boat traffic.

*Mr. Chohany Moved That City Council Adopt Proposed ordinance #07-08, An Ordinance Amending the Code of the City of Williamsburg, Chapter 21, Zoning, B-3 District, Section 21-354(2), by Adding Boat and Watercraft Sales and Service as a Special Use Permit Use. The Motion Was Seconded by Mr. Haulman.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None*

Mayor Zeidler opened the public hearing on the special use permit application.

No one wished to speak. The hearing was closed.

*Mr. Freiling Moved That City Council Approve the Special Use Permit for the Sale of Boats and Watercraft at 217 Second Street. The Motion Was Seconded by Mr. Braxton.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None*

Mr. Freiling asked that the business owner encourage customers to use the Second Street corridor to keep traffic from Penniman Road.

## **REPORTS**

### **Monthly Financial Statement**

*The Monthly Financial Report was received and ordered filed.*

Mr. Serra provided Council members with an update on the room and meal taxes for the calendar year. Compared to last year, the figures were encouraging. Meal tax revenues increased five percent and sales tax revenue increased fifteen percent over last year. Overall, the news was good.

### **Monthly Operating Reports**

*The Monthly Departmental Operating Reports were received and ordered filed.*

### **City Manager Reports**

#### **City Seal – Proposed Ordinance #07-01**

Reference for this item was Mr. Tuttle's report dated January 4, 2007. Ms. Miller explained that the city seal was adopted by Council in 2002. Section 2-1 of the City Code currently describes the former city seal and not the one adopted in 2002. The purpose of the proposed ordinance is to make the city seal and the city logo the same. This was envisioned in 2002, to be taken up for action at some later date. As a result, the embossing seal used by the Clerk of Council to certify documents will be modified, but that should be the only noticeable change because the logo is already used for nearly all other identification purposes. It is recommended that the resolution be adopted.

Ms. Miller said the Coat of Arms will remain and is used for ceremonial type purposes. The city seal will be used for such things as signage and letter head.

*Mr. Freiling Moved That City Council Adopt Proposed Resolution #07-01, An Ordinance to Amend Chapter 2, Article I, In General, Section 2-1. City Seal. The Motion Was Seconded by Mr. Braxton.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None*

### **Royals Property—Extension of Bond Maturity Date**

Reference for this item was Mr. Tuttle's report dated January 4, 2007.

Mr. Serra reported that In January 2006, Council approved a one-year bond refinancing for the remaining principal balance of \$5,807,754.45 on the Royals Property. The sale of the property was schedule to close by this month, but the closing is now expected to be no later May 1, 2007. SunTrust Bank has offered to extend the maturity date of this bond to July 1, 2007, under the same terms and conditions. It makes financial sense to leave existing City funds invested in the State's LGIP Fund, and extend this loan until closing. The loan will be paid in the spring with the proceeds from the sale.

Mr. Phillips said the closing date has not been set. The rezoning was approved by York County and closing expected to be in March, but there are provisions for an extension. Any interest expense incurred by the city cannot be passed on to the purchaser. Mr. Phillips said that at this time, the contract stipulations are up to date.

*Mr. Freiling Moved That City Council Approve a Six Month Extension to the General Obligation Refund Bond, Series 2006, in the Amount of \$5,807,754.45, and Authorize the City Manager to Finalize the Necessary Documentation with SunTrust Bank. The Motion Was Seconded by Mr. Braxton.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None*

### **Unfinished Business**

#### **PCR #06-020: Amendment of Chapter 21, Division 9, Zoning Ordinance, Tourist Business District B-2, to Lease Rooms to Exchange Visitors, Proposed Ordinance #06-26 (deferred at the CC meeting of October 12, 2006)**

Reference for this item was Mr. Nester's report dated January 4, 2007. Mr. Nester said that this was a revised proposal. Since the October Council meeting, a lot of work and research has been done on this issue and a small focus group created to advise city staff. Mr. Nester reviewed the basic revisions to the zoning ordinance amendment. He clarified that the correct term to use when referring to the foreign student workers is "exchange visitor" according to the State Department. The term applies to visitors coming to our country on a J-1 Visa. An alternate proposal would be to have the BZA review the request as a special exception to house exchange visitors rather than a special use permit by City Council. He noted that motels/hotels could be required to have a separate bed for each visitor, should Council chose to make that stipulation.

Mayor Zeidler appreciated the work of Mr. Nester and the Focus Group.

Mr. Haulman supported the option of a separate bed for each visitor.

Mr. Chohany preferred that Council approve the first application for an SUP, and that the BZA approve subsequent applications by special exception. The reason for this was that he believed there would be some issues that needed to be worked out along the way. He had concerns about the enforcement of regulations.

Mr. Nester responded to Mr. Braxton that a special exception by the BZA would be appealed to the courts. Mr. Braxton was concerned about the use of microwaves in rooms and whether they would have to be removed during the rental period. He supported a separate bed for each visitor.

Mr. Freiling concurred about the beds, and asked about the use of a "roll away" bed.

Mr. Nester and Council members discussed the separate bed issue and the length of time period of a J-1 Visa, and the way the time period would be enforced. Mr. Freiling suggested that perhaps a maximum period of rental be included in the ordinance.

Mr. Nester said that the good thing that permits expire after one year. No one will be grandfathered under the ordinance and it can be changed. Mr. Freiling suggested a time limit be placed on the length of stay and that language be included in the ordinance. If a rental continued past the designated time period, then the operator would not be in compliance. Mr. Nester said that the time period would be tied to the J-1 Visa

Mr. Phillips suggested that language be added to the ordinance regarding the occupancy of an exchange visitor's stay not to extending beyond the period of the J-1 Visa.

Mr. Nester said enforcement of the ordinance will fall to the Zoning Administrator and Planning Department. It will also involve Codes Compliance folks and the Police Department.

Mr. Freiling and Council members discussed the proportion of rooms to be rented at a hotel/motel. Ms. Zeidler thought that would be a good issue for the Planning Commission to discuss.

Mr. Nester explained the time required to process applications for both a special exception and a special use permit.

Mayor Zeidler asked for a straw vote on two issues:

1. Council concurred that separate beds should be provided.
2. Council concurred that the process should be by special use permit reviewed by City Council.

*Mr. Freiling Moved That City Council Approve Proposed Ordinance #06-26 With the Following Changes to the Ordinance: Each Exchange Visitor Shall be Provided with A Separate Bed; that Paragraph (3) Section 21-618 be Amended to Reflect that the Length of Occupancy Not to Exceed the Limitations of Stay Allowed by the J-1 Visa; That Any First Time Application Come Through City Council as a Special Use Permit; and Renewals After*

*the Initial Special Use Permit Approval Shall Require a Special Exception Approved by the Board of Zoning Appeals. The Motion Was Seconded by Mr. Chohany.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None*

(SEE ATTACHED ADOPTED ORDINANCE #07-09)

City Council members concurred that Mr. Nester ask the Planning Commission to consider quotas in particular corridors are appropriate for this type of operation and to consider adding this same provision being added to the MS and B-3 Districts.

## **OPEN FORUM**

Mayor Zeidler asked for comments.

**Mr. Jim Kammert, 108 Richmond Hill Court**, asked that City Council consider his remarks made at the work session.

**David Bryhn, owner of Rochambeau Motel**, thanked Mr. Nester for his work on the exchange visitor matter. With the stipulations placed on bedding and square footage, he will probably accept the permit if it passes, but he knows that other hotels/motels won't abide by the rules and this won't work. He knew Council was trying to do the right thing, but by law he can rent to kids 18 years of age. Some of these kids travel in groups of four and couples. He did not have the first problem with bedding. Most rooms are not set up for microwaves, and the Fire Department checks their rooms. He was appalled that this is happening. He had a contract with HELP LLC and had lost money because of dealing with this issue. If the city supplies the beds, he will switch the beds.

**Michelle Bryhn, Rochambeau Motel**, was disappointed. They were trying to do a good thing for the city and help the kids. Council knows that these kids have been coming for years. These kids want to stay in the rooms together. The Bryhns have supplied Internet access at the hotel and courtesy telephones. They put microwaves and refrigerators in the lobby in order to keep the rooms cleaner. These kids are cleaning their own rooms. The Bryhns cannot afford to buy new bedding for these three or four month stays. This issue has been going on for some time. They want to provide a clean and safe place for the kids. They will probably not be able to do this, but who will house these kids?

**Rick Hines**, said it was important for tourist related industries to have the employees it needs for the upcoming 2007 events. A business needs to be able to evolve. He spoke in support of the Bryhns, and the service they are providing for the city. It should be without undue financial burdens. For this pilot program, it is hard for a business person to justify the investment for bedding, linens, and storage, and for a project that may last only one year—it is not feasible. The culture from where these kids come from is relevant—some people think a bed is a pillow and a blanket. Many hotels/motels will cram as many people in a room as they can. The employer and company bringing these kids are not required to provide housing. It is up to the exchange student. He referenced the code of Federal Regulations for J-1 Student Visas.

Mayor Zeidler said she appreciated the Bryhns' integrity and help with this process and the opportunity for the community to learn about the process and address the issue. She was

sorry that they did not share the opinion of Council about separate beds. She regretted that the Bryhns were disappointed and unhappy. Operators that do not follow the ordinance will be breaking the law.

Mr. Haulman added that there is no reason four people must be in a room—there is the possibility for three to a room. This is not a question of culture, but basic human decency that each person have their own bed.

Ms. Bryhn asked what makes these kids (adults) different from a family of four staying in a room. The kids pay \$7.00 per person per night. Some don't mind sharing a bed. The separate beds are going to cost money, the kids will not be able to afford it, and these kids cannot afford to stay at the larger hotels. Time is running out.

Mr. Haulman noted that one of the stipulations at the college is that our students traveling abroad must have their own bed.

No one else wished to speak. The session was closed.

Public Thanks: Mayor Zeidler announced that the Williamsburg Volunteer Fire Department donated two pieces of emergency response equipment to the city. Mayor Zeidler recognized the volunteers for raising the money and for the donations. She asked Chief Weiler to pass along the thank you.

The meeting adjourned at 5:05 p.m.

Approved: February 8, 2007

Mayor Jeanne Zeidler

Shelia Y. Crist  
Clerk of Council